

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JASON L. SHADLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 16-cv-00203-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on petitioner Jason L. Shadle's Motion (Docs. 1, supplemented by Doc. 3) to Vacate, Set Aside or Correct his sentence pursuant to 28 U.S.C. § 2255. For the following reasons, Shadle's motion survives this threshold review and the Court orders the government to file its response.

On September 9, 2014, Jason L. Shadle plead guilty to one count of conspiracy to manufacture methamphetamine, two counts of possession of equipment, chemicals, products, or materials used to manufacture methamphetamine, and one count of possession of pseudoephedrine knowing it would be used to manufacture methamphetamine. He was sentenced on February 12, 2015, to custody of the Bureau of Prisons for 216 months on Count 1 and 120 months on Counts 2, 3, & 4, all counts to run concurrent with each other. He was further sentenced to 4 years of supervised release on Counts 1 and 2 and 2 years on Counts 3 and 4, to run concurrent; a fine of \$200.00 and a special assessment of \$400.00. No appeal was filed. *See United States v. Shadle*, 14-cr-40055-JPG.

In his petition, Shadle claims ineffective assistance of counsel in violation of his Sixth Amendment Right stating that he requested an appeal be filed and that his, “attorney failed to file a Notice of Appeal as was requested by him.” Shadle further alleges that his counsel was ineffective because he failed to:

- a. Conduct an adequate and independent pretrial investigation;
- b. Communicate and inform him of the consequences of pleading guilty as opposed to proceeding to trial;
- c. Negotiate a favorable plea agreement;
- d. Review, discuss or explain the Presentence Report;
- e. File objections to the PSR; and
- f. Argue for mitigation during sentencing.

Therefore, the Court **ORDERS** the Government to file a response to Shadle’s petition (Doc. 1) by **May 2, 2016**. The Government shall, as part of its response, attach all relevant portions of the record. Petitioner may file a reply brief (no longer than 5 pages) by **May 23<sup>rd</sup>, 2016**. If review of the briefs indicates that an evidentiary hearing is warranted, the court will set the hearing by separate notice.

**IT IS SO ORDERED.**

**DATED:** 3/30/2016

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**